



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,435	03/01/2002	Charles L. Norton	2000-1070-RA2	3471

30184 7590 09/12/2003

MYERS & KAPLAN, INTELLECTUAL
PROPERTY LAW, L.L.C.
1827 POWERS FERRY ROAD
BUILDING 3, SUITE 200,
ATLANTA, GA 30339

EXAMINER

CHOP, ANDREA MARIE

ART UNIT	PAPER NUMBER
----------	--------------

3677

DATE MAILED: 09/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/087,435

Applicant(s)

NORTON, CHARLES L.

Examiner

Andrea Chop

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 3677

DETAILED ACTION

Notice of Art Unit Number Change

1. Please note that the Art Unit number associated with this Application has changed to 3677.

Drawings

2. It should be noted that the drawings have not yet been reviewed by a PTO draftsman. The drawings will be reviewed upon allowance of the application and Applicant will be apprised of their status accordingly.
3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the first surface carrying a removable coversheet must be shown or this feature should be canceled from the claims (Claim 7). Also, the more than one removable cover sheets must be shown or this feature should be canceled from the claims (Claim 8). Also, the outer sleeve must be shown or this feature should be canceled from the claims (Claim 9). Also, the first and second plurality of cards must be shown or this feature should be canceled from the claims (Claim 12). Also, the computer must be shown or

Art Unit: 3677

this feature should be canceled from the claims (Claims 14 and 15). No new matter should be entered.

Claim Rejections - 35 USC § 112

4. Claims 1-20 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As concerns Claim 1, line 10, --second-- should be inserted after "said" (second occurrence) for antecedent basis purposes. Also, "the coincident display" lacks antecedent basis.

As concerns Claim 13, "removable" is indefinite, since it is not clear what structure the circular cards are removable from.

As concerns Claim 16, "the coincident display" lacks antecedent basis.

As concerns Claim 18, "the coincident display" lacks antecedent basis.

Art Unit: 3677

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 11, 12, 14, 15 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Galvin US 4,964,043.

Galvin shows a platform (Fig. 3) having a first means 120 and a second means 122; in regards to the indicia displayed, i.e., jewelry selections, since the printed matter is not functionally related in a new or unobvious way to the substrate upon which it is located, the printed matter does not distinguish the invention from the prior art in terms of patentability: In re Gulack, 703 F.2d 1381, 217 USPQ 401 (Fed. Cir. 1983). In regards to the additional means for making an additional selection, and the plural cards, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to have an additional means, since mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8. In regards to the computer, it would have been obvious to one having ordinary skill in the art at the time of Applicant's invention to use a computer for the display platform, since broadly providing a mechanical or automatic means to

Art Unit: 3677

replace manual activity which has accomplished the same result involves only routine skill in the art. *In re Venner*, 120 USPQ 192.

7. Claims 2, 3, 6, 13, 16, 17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Galvin US 4,964,043 in view of Rodgers US 2,959,872.

Galvin shows the claimed invention, but lacks a sleeve. Rodgers teaches the use of a sleeve to hold a display with rotatable cards. It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the display device to have a sleeve in view of Rodgers in order to provide a means of protecting the rotatable cards from being damaged by the environment. Galvin teaches the use of a cover (the 3-ring binder cover containing the pages containing the rotatable card displays).

8. Claims 4, 5, 7, 8, 9, 10 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Galvin US 4,964,043 in view of Brodie US 602,053.

Galvin shows the claimed invention, but lacks a plurality of data inquiries. Brodie teaches the use of a plurality of data inquiries "f" on a rotatable card display device. It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the display device to have a plurality of data inquiries in view of Brodie in order to provide a means for the user to maintain a record of the purchased items. In regards to the removable coversheets, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to include a plurality of removable coversheets, since the examiner

Art Unit: 3677

takes Official Notice of the use of notepads attached to display sheets and the use of such would be within the level of ordinary skill in the art.

Patent Customers Advised to FAX Communications to the USPTO

9. In view of delays in mail delivery in recent days, we at the USPTO would like to encourage you to communicate with the USPTO via facsimile. **Facsimile transmissions may be used for correspondence as set forth in 37 CFR 1.6 such as: amendments, petitions for extension of time, authorization to charge a deposit account, an IDS, terminal disclaimers, a notice of appeal, an appeal brief, CPAs under 37 CFR 1.53(d), and RCEs.**

PTO Form 2038 should be used when authorizing payment by credit card; this form is maintained separate from the file to ensure confidentiality.

The USPTO has recently installed server software that enables us to automatically receive facsimile transmissions and route them to the appropriate groups. No special equipment is needed by our customers to use this system other than a regular facsimile machine. Each Technology Center has its own facsimile numbers associated with our server for Official replies to non-final Office actions and for Official replies to final Office actions. In addition, each Technology Center has a Customer Service Center on our server system and can answer any general application status questions you might have, can provide Examiner information and

Art Unit: 3677

answer paper queries. The following is a list of all Official Facsimile numbers for Technology Center 3600:

TC 3600:

Before Final 703-872-9326

After Final 703-872-9327

Customer Service 703-872-9325

By using the Official Before Final and After Final numbers, our server system will automatically generate a return receipt that will include the number of pages received as well as the date and time the facsimile was received. Additionally, the return receipt will include an image of the received cover page. Applicants are advised to use the certificate of facsimile transmission procedures when submitting a reply to a non-final or final Office action by facsimile (see 37 CFR 1.6 and 1.8). Applicants are also advised to retain the return receipt in the event that the Office has no record of the facsimile submission, whether the facsimile submission is a reply to an Office action (37 CFR 1.8(b)), or a continued prosecution application under 37 CFR 1.53(d) (37 CFR 1.6(f)).

Note, however, the Office currently does not permit new application filings (other than a CPA under 37 CFR 1.53(d)), requests for reexamination, drawings, and certain correspondence set forth in 37 CFR 1.6(d) by facsimile.

Art Unit: 3677

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The art cited shows various structures similar to Applicant's.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrea Chop whose telephone number is (703) 305-6358.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-2168.

Andrea Chop
ANDREA CHOP
PATENT EXAMINER
Art Unit 3677

AMC
September 6, 2003